

**REMARKS**

Assignee respectfully requests entry of the following amendments and remarks in response to the Non-Final Office Action mailed July 20, 2010. Assignee respectfully submits that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1, 6, 11-14, 16, 17, 19-23, 25-30, and 32-39 are pending. In particular, Assignee amends claims 1, 6, 11, 23, 25-30, and 32-38 and cancels claims 24, 31, and 40. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

**I. Allowable Subject Matter**

Assignee acknowledges the Examiner's indication on page 2 of the Office Action that claim 40 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. In that it is believed that every rejection and objection has been overcome, it is respectfully submitted that each of the claims that remains in the case is presently in condition for allowance.

**II. Response to Rejection of Claims under 35 U.S.C. §101**

The Office Action rejects claims 25-29 and 32-38 under 35 U.S.C. § 101 and requests that the claims be rewritten to recite that the medium is non-transitory. Accordingly, the claims have been rewritten as requested. Withdrawal of the rejection is respectfully requested.

**III. Response to Rejection of Claims under 35 U.S.C. §112**

The Office Action rejects claims 24 and 31 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 24 and 31 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to the claims is rendered moot. Assignee takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Assignee reserves the right to pursue the subject matter of the canceled claims in a continuing application, if Assignee so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

**IV. Response to Rejection of Claims under 35 U.S.C. §103**

The Office Action indicates that claims 1 and 39 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*") further in view of U.S. Patent Number 7,320,020 B2 ("*Chadwick*") further in view of "A Bayesian Approach to Filtering Junk E-Mail" ("*Sahami*") further in view of "Identifying Junk Electronic Mail In Microsoft Outlook with a Support Vector Machine" ("*Woitaszek*") further in view of U.S. Patent Number 6,968,571 ("*Devine*") further in view of U.S. Patent Publication Number 2004/0107189 ("*Burdick*") further in view of "An Information Retrieval System Based on Superimposed Coding" ("*Files*") further in view of U.S. Patent Publication Number 2004/0064537 ("*Anderson*") further in view of "Uuencode and MIME FAQ". Claims 6, 16, 17, 23, 24, and 25 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shipp* in view of *Milliken* further in view of *Chadwick* further in view of *Woitaszek*. Claims 11-14, 19-22, and 26-29 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shipp* in view of *Milliken* further in view of *Chadwick* further in view of *Woitaszek* further in view of *Sahami*. Claims 30-34 stand rejected

under 35 U.S.C. §103(a) as allegedly being unpatentable over *Milliken* in view of *Chadwick* further in view of *Woitaszek*. Claims 35-38 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Milliken* in view of *Chadwick* further in view of *Woitaszek* further in view of *Sahami*.

Assignee traverses the rejections for at least the following reasons. More specifically, claim 1 has been rewritten to include the allowable subject matter of claim 40. Therefore, the rejection of independent claim 1 should be withdrawn.

Similarly, independent claims 6, 23, 25, 30, and 32 have been rewritten to include similar subject matter as allowable claim 40. Therefore, independent claims 6, 23, 25, 30, and 32 are believed to be allowable over the cited art. Accordingly, dependent claims 11-14, 16, 17, 19-22, 26-29, and 33-39 are also believed to be allowable over the cited art.

Claim 40 is canceled without prejudice, waiver, or disclaimer. Assignee takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application.

**CONCLUSION**

For at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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